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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,580	01/23/2004	John Carney	40004572-0023-002	7727
26263	7590	07/07/2009		
SONNIENSCHEIN NATH & ROSENTHAL LLP			EXAMINER	
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WACKER DRIVE STATION, SEARS TOWER			ART UNIT	PAPER NUMBER
CHICAGO, IL 60606-1080			2421	
			MAIL DATE	DELIVERY MODE
			07/07/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/763,580	<b>Applicant(s)</b> CARNEY ET AL.
	<b>Examiner</b> OMAR PARRA	<b>Art Unit</b> 2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on **24 March 2009**.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) **1,2,4-13,15-23 and 25-30** is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) **1,2,4-13,15-23 and 25-30** is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims **1, 2, 4-13, 15-23 and 25-30** have been considered but are moot in view of the new ground(s) of rejection.

Although a new ground of rejection is presented to the newly added limitations, the examiner believes necessary to address the arguments of the newly added limitations. The applicant argues that Begeja or Holtz do no teach 'using metadata search attributes of VOD clips', Remarks section page 8.

Begeja teaches that assembling video segment into a composite video. Begeja teaches that the system receives video content ([0036]-[0037]), analyzes it ([0038]-[0041]) and generates metadata (215, 225, Fig. 2; [0023]; [0044]) of the video segments that is used for searching and finding the video segments when searched ([0023]; [0025]; [0044]).

Therefore, the examiner respectfully believes that the art of record cover applicant's invention as claimed.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-13, 15-23 and 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Begeja et al. (hereinafter 'Begeja', Pub. No. US 2003/0030752) in view of Holtz et al. (hereinafter 'Holtz', Patent No. 6,760,916).

Regarding claims 1, 12 and 22, Begeja teaches a system (with corresponding method and computer-readable medium) comprising:

a server ("Video Server", 220 Fig.2, or "Video Storage", 210 Fig.2, if more storage is needed) storing VOD content ([0031] lines 1-2), the VOD content including defined by a plurality of VOD clip categories ([0051] lines 3-4),, each VOD clip category containing one or more corresponding ones of the VOD clips ([0051] lines 4-5); and

a set top box (370, Fig.3) communicatively coupled to the server (220, Fig.3), the set top box storing an application ([0058] lines 4-5 or [0015] paragraph-lines 2-5 of incorporated by reference application, Begeja Pub. No. 2003/0163815), the application configured to provide a user with a VOD clip category selection functionality ([0054] lines 3-4; [0051] lines 3-4) that enables the user to select from among the plurality of VOD clip categories and a VOD clip parameter selection functionality (Buttons, Drop-down menus and check boxes, Fig. 4-5), a VOD clip metadata search attribute functionality that allows the user to provide one or more VOD clip metadata search attributes, each of the VOD clip metadata search attributes filtering one or more VOD clips corresponding to a respective one of the VOD clip categories such that the composite VOD clip consists of a subset of the one or more VOD clips corresponding to each selected VOD clip category (the system generates metadata,

215, 225, **Fig. 2; [0023]; [0044], by analyzing the video content, [0038]-[0041].** This metadata contains attributes or characteristics that describe the video content and are used for the search of the video, [0024]; [0044]). The user is able to search the metadata by specifying the category or topic and the subtopics that define the clips he/she desires, [0059]; [0061]; [0070]. The system, then, selects the video clips that have those characteristics, and in this way, filtering out the ones that don't, [0055]; [0060]); and

a VOD clip composite functionality configured to automatically create the composite VOD clip to include one or more corresponding VOD clips from each of the selected VOD clip categories assembled according to the selected VOD clip parameters of each selected VOD clip category ([0028] ¶ lines 1-3; [0059] lines 9-10 or see 405, **Fig.4).**

On the other hand, Begeja does not explicitly teach the selection of the VOD parameters defining how individual ones of the VOD clips from selected ones of the VOD clip categories will be assembled into a composite VOD clip.

However, in an analogous art, Holtz teaches a VOD multimedia production and distribution system that assembles a media production from a variety of sources based on personal preferences (Abstract). Holtz teaches that for setting the user preferences or the type of content he/she wants, a VOD clips attribute selection functionality is presented to him/her in order to let the system know what categories are desired, how long he/she wants the production or clips to be, etc (col. 13 lines 3-31; col. 16 line 4-col. 17 line 5; col. 31 line 18-col. 32 line 64). By specifying the length of the video, the

number of segments is affected. In other words, the higher the length of the video is, the higher the number of segments included, and vice versa. In other words, this selection affects how the individual ones of the VOD clips will be assembled into the composite video clip. Holtz also explicitly teach that the number of video segments can also be selected (col. 16 lines 42-45).

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to have modified Begeja's invention with Holtz's feature of letting the user to define video clips attributes through an interface for the benefit of providing to the user a neat, easy to fill up interface for customizing the video clips or content to be received.

Regarding claims 2, 13, and 23, Begeja and Holtz teach presenting the composite VOD clip to a user to effect a passive viewing experience (**[0053] lines 19-20**).

Regarding claims 4 and 15, Begeja and Holtz teach wherein the composite VOD clip consists of a subset of the one or more VOD clips corresponding to the selected VOD clip parameters in each selected VOD clip category (**565, Fig.5**).

Regarding claims 5, 16 and 25, Begeja and Holtz teach wherein the one or more VOD clip parameters includes a VOD clip parameter selected from the group consisting of a random selection parameter (**420, Fig.4, "Play all clips" without**

**knowing what's going to play is a random selection), a maximum number parameter, a maximum time parameter, and a sequential parameter ([0065] lines 2-4).**

Regarding claims 6, 17 and 26, Begeja and Holtz teach wherein the composite VOD clip is automatically regenerated (**[0026] lines 7-10**) upon user request ("instant search", **[0058], paragraph-line 2**) or according to an externally specified schedule ("...on a periodic basis..." **[0026], line 9**).

Regarding claims 7, 18 and 27, Begeja and Holtz teach wherein one or more VOD clips made available prior to a specified time (**405, Fig.4, videos are available prior user's selection**) are removed from the composite VOD clip ("AT&T, 8 clips", "Jay Lenos White H... 10 clips", "Sports, 6 clips", see Fig.4, are removed after choosing "Politics"; **505, Fig. 5**).

Regarding claims 8, 19 and 28, Begeja and Holtz teach wherein one or more corresponding VOD clips previously presented to a user (**405, Fig.4, videos are available prior user's selection**) are removed from the composite VOD clip ("AT&T, 8 clips", "Jay Lenos White H... 10 clips", "Sports, 6 clips", see Fig.4, are removed after choosing "Politics"; **505, Fig. 5**).

Regarding claims 9, 20 and 29, Begeja and Holtz teach wherein one or more additional VOD clips are included as component VOD clips of the composite VOD clip

**(“The user can add a new topic using button 425, Fig.4” [0062] paragraph line 3, which inherently would add more clips to the composite video).**

Regarding claims 10, 21 and 30, Begeja and Holtz teach wherein the one or more additional VOD clips comprise VOD clips selected from the group consisting of advertising VOD clips (**[0057] lines 19-21**), promotional VOD clips pertaining to VOD content unrelated to the composite VOD clip (**“Additional marketing and advertising (such as a commercial...)”**, **[0057] paragraph lines 19-20**), and promotional VOD clips pertaining to VOD content related to the composite VOD clip (**“Relevant information that might be embedded into a media stream being delivered...might include...information about the subject matter of the stream or related thereto, such as advertising...”**, **[0087] paragraph lines 1-4**).

Regarding claim 11, Begeja and Holtz teach a method wherein one or more additional graphical or data contents, including content tickers, graphical ads or promotional contents unrelated to the composite VOD clip, and content tickers, graphical ads or promotional contents related to the composite VOD clip (**[0087] paragraph lines 5-7 or also, 555, Fig.5**) are added alongside or partially overlay the composite VOD clip.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR PARRA whose telephone number is (571)270-1449. The examiner can normally be reached on 9-6 PM (M-F, every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/  
Supervisory Patent Examiner, Art Unit 2421

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